

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Priority Document

The PTO should be in receipt of a certified copy of the priority document from the International Bureau. Accordingly, the examiner is requested to acknowledge in the next communication receipt of a certified copy of the priority document.

Rejections under 35 USC § 112

On pages 13-14 of the present specification, the terms "short term" and "long term" are thoroughly described. Therefore, one of skill in the art, in light of the disclosure of the specification, would not consider the claims to be indefinite.

Double Patenting

The present invention improves a blood concentration pattern of a GnRH agonist by a combination of two kinds of microcapsules: one of which gradually release the active ingredient for a long term and the other of which gradually release the active ingredient for a short term. On the other hand, the copending Application No. 10/498,215 is directed to an invention for improving dispersion of one kind of microcapsules obtained by addition of mannitol to the outer aqueous phase, when suspending the microcapsules. Therefore, both inventions are absolutely different from each other, and applicants request that this double patenting rejection be withdrawn.

Rejections under 35 USC § 103

Both references relied upon by the Examiner are directed to a single preparation. On the other hand, the present invention is directed to a combination of two kinds of preparations for improving a blood concentration pattern of a GnRH agonist.

Further, there is no showing of a blood concentration pattern in Hutchinson. Hutchinson merely presumes a releasing "term" based on a pharmacological effect and does not refer to a blood concentration patter or a release pattern. Obviously, even if a releasing term could be presumed based on a pharmacological effect, it is very difficult to design a blood concentration pattern. Therefore, even if the references relied upon by the Examiner are combined, they do not teach or suggest the improvement of a blood concentration pattern of the present invention.

Conclusion

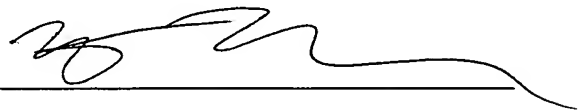
Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By



FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Matthew E. Mulkeen
Attorney for Applicants
Registration No. 44,250